United Nations A/62/354

General Assembly

Distr.: General
24 September 2007

Original: English

Sixty-second session
Agenda item 70 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in the Sudan

Note by the Secretary-General*

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur on the situation of human rights in the Sudan, Sima Samar, submitted in accordance with Human Rights Council resolution 5/1 of 18 June 2007, entitled "Institution-building of the United Nations Human Rights Council", in which the Council decided to renew the mandate until it was considered by the Council according to its annual programme of work.

* The report of the Special Rapporteur on the situation of human rights in the Sudan was submitted after the deadline in order to reflect the most recent developments.

07-51430 (E) 151007

Report of the Special Rapporteur on the situation of human rights in the Sudan

Summary

The present report provides an analysis of the human rights situation in the Sudan, particularly from the angle of sustenance (rights pertaining to food, nutrition and related matters); freedoms (rights pertaining to security of the person, humane treatment and justice); asylum (rights pertaining to refugees/those seeking refuge); vulnerability (rights concerning specific groups); and responsibility (rights concerning the responsibility of the State authorities to protect human rights and fundamental freedoms, and related accountability).

The present report covers the period from 1 August 2006 to 31 August 2007. It includes the findings of the Special Rapporteur on her mission to the Sudan in July 2007. During the period under review the Human Rights Council expressed its serious concern with regard to the human rights situation in Darfur and undertook a number of initiatives, including convening a special session of the Council on Darfur, sending a high-level mission to Darfur and most recently establishing the Group on Darfur to work with the Government of the Sudan to foster effective implementation of previous human rights recommendations. In the light of her participation in these bodies and the Council's focus on the situation in Darfur, the Special Rapporteur decided to concentrate during her mission on other parts of the country. Protection of human rights in the Sudan continues to be an enormous challenge. Some slow progress has been made during the reporting period, in particular with regard to the drafting of new bills, the issuance of orders, and new policies; however, this has not yet had an effect on the overall situation. Many of the concerns highlighted in last year's report remain the same one year on. Despite the potential for democratic transition and optimism created by the Interim National Constitution and bill of rights, violations of civil and political rights continue.

In all parts of the country, common patterns emerge of injustice, marginalization and exploitation. Impunity also remains a serious concern in all areas. The Special Rapporteur calls on the Government of National Unity and the Government of Southern Sudan to investigate all reports of human rights violations with transparency, make the reports of the investigative committee public, bring the perpetrators to justice and promote the rule of law. She urges the authorities to cooperate fully with the International Criminal Court.

Lastly, the Special Rapporteur expresses concern, as the country prepares for elections in 2009, at the current repression of fundamental rights and freedoms, excessive use of force, and arbitrary arrest and detention of human rights defenders and members of the political opposition. She urges the Government to fulfil its obligations in accordance with international human rights law and to ensure that all the people of the Sudan are able to enjoy their fundamental rights and freedoms.

Contents

		Paragraphs	Page
I.	Introduction	1–5	4
II.	General situation	6–15	5
	A. International legal framework	6–8	5
	B. National framework, institutions and reforms	9–15	6
III.	Northern Sudan	16–37	8
IV.	Darfur	38–45	13
V.	Eastern Sudan	46–48	14
VI.	Transitional areas	49–55	15
VII.	Southern Sudan	56–80	16
VIII.	Conclusions	81–86	20
IX.	Recommendations	87	21

I. Introduction

1. The Commission on Human Rights established the mandate of the Special Rapporteur on the situation of human rights in the Sudan in its resolution 2005/82. Sima Samar was appointed the Special Rapporteur and, was requested to monitor the human rights situation in the Sudan and to report to the Commission on Human Rights (now the Human Rights Council) and the General Assembly. The Council, in its resolution 5/1 of 18 June 2007, entitled "Institution-building of the United Nations Human Rights Council", decided to renew the mandate until the date on which the mandate would be considered by the Council according to its programme of work.

2. During the period under review, the Human Rights Council expressed its serious concern with regard to the human rights situation in Darfur. On 13 December 2006, a Special Session of the Council was convened on Darfur, at which the Council decided to dispatch a high-level mission to Darfur to assess the human rights situation and the needs of the Sudan in this regard. The Special Rapporteur was a member of the high-level mission. Unfortunately, the mission was unable to travel to Darfur in February because visas were not issued for all the team. However, it travelled to Addis Ababa for meetings with the African Union and to Chad to meet with refugees from Darfur. The high-level mission submitted its report to the Human Rights Council in March.[1]

3. The Human Rights Council, taking note of the report and its findings, decided to appoint an expert group to work with the Government of the Sudan to foster the effective implementation of previous human rights recommendations. The Special Rapporteur presides over the Group on Darfur. It has prepared a set of priority recommendations in the areas of the protection of civilians, accountability and justice and humanitarian access, as a plan of action to further the protection of human rights in Darfur, with a time frame for implementation and indicators for measurement of compliance.[2] The Government has committed itself to implementing many of the recommendations and the Group looks forward to receiving information that action has been taken and the situation has improved. The Group will provide its first update on the status of implementation of the recommendations to the Human Rights Council in September 2007 and its final report to the Council in December. The Special Rapporteur encourages the Government to take action without delay to implement the recommendations so that the situation in Darfur improves and people there can fully enjoy their human rights and fundamental freedoms.

4. The present report covers the period from August 2006 to August 2007 and includes the findings of the Special Rapporteur's fourth visit to the Sudan, in July 2007. During that visit she focused less on Darfur, in the light of her ongoing work with the Group on Darfur, and concentrated more on human rights-related developments in other parts of the country. In Khartoum, she met with the Minister of Justice, the State Minister of the Interior, the Sudan Armed Forces representative in the peace agreements, the Rapporteur of the Advisory Council for Human Rights,

[1] Report of the high-level mission on the situation of human rights in Darfur submitted pursuant to Human Rights Council decision S-4/101 (A/HRC/4/80).

[2] See Report on the situation of human rights in Darfur prepared by the group of experts mandated by Human Rights Council resolution 4/8 (A/HRC/5/6).

the Humanitarian Affairs Commissioner, the Head of the Unit to Combat Violence against Women and Children, the Tripartite Committee on Package Support (Ministry of Foreign Affairs), the Head of Legal Administration for the Transitional Darfur Regional Authority, representatives of civil society, representatives of political parties and representatives of the United Nations Mission in the Sudan (UNMIS). She also visited the relocation site of Dar Assalam camp, Gezira State. In El Fasher, Northern Darfur, she met with the Governor and other local officials, and with representatives of the African Union Mission in the Sudan (AMIS) and UNMIS. In Juba, she met with representatives of the Government of Southern Sudan, the Minister of Legal Affairs and Constitutional Development, the Presidential Adviser on Gender and Human Rights, the Minister for Sudan Peoples' Liberation Army (SPLA) Affairs and Chief of Staff, and representatives of the Southern Sudan Human Rights Commission, civil society and UNMIS. In Wau, she met with representatives of civil society, international non-governmental organizations and UNMIS. In Kadugli, she met with the Minister of Urban Planning (representing the Governor), the Speaker and the Human Rights Committee of the State Legislative Council, the Attorney General for South Kordofan, representatives of civil society and United Nations officials.

5. The Special Rapporteur would like to thank the Government of National Unity, the African Commission on Human and People's Rights and the Government of Southern Sudan for facilitating her mission to the country. She would also like to thank the UNMIS Human Rights Office for providing her with support and all the people who took the time to brief her on the human rights situation in the country, in particular the victims of human rights violations who shared their personal stories with her. She commends the national human rights defenders in the Sudan and the international agencies for their work to further the promotion and protection of human rights and to provide humanitarian assistance to vulnerable populations in need.

II. General situation

A. International legal framework

6. The Sudan is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, both Optional Protocols to the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Slavery Convention of 1926 and the African Charter on Human and Peoples' Rights. The Sudan is a high contracting party to the Geneva Conventions of 12 August 1949 and acceded to the two Protocols Additional to the Geneva Conventions in 2006. The Sudan is a signatory to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the Rome Statute of the International Criminal Court, and this year it signed the Convention on the Rights of Persons with Disabilities. Thus, the Sudan is also bound to refrain from acts which would defeat the object and purpose of these instruments.

7. In March 2006, the Advisory Council for Human Rights informed the Special Rapporteur that it had recommended that the Sudan should ratify the Convention against Torture and it was considering ratification by the Sudan of the Convention on the Elimination of all Forms of Discrimination against Women. Regrettably, neither instrument had been ratified by the Sudan as of August 2007.

8. During the reporting period, the human rights situation in the Sudan was reviewed by the Committee on the Rights of the Child under the Optional Protocol on the sale of children, child prostitution and child pornography and by the Human Rights Committee. In their concluding observations, they emphasized that progress was still needed in the Sudan to address impunity and the protection of women and children's rights, and to establish an age for criminal responsibility that corresponded to international standards. The Sudan also submitted its third periodic report to the African Commission on Human and Peoples' Rights for review at the forty-second session of the Commission, in November 2007.

B. National framework, institutions and reforms

9. Some progress has been made in implementing the CPA during the reporting period. With regard to the national legal framework, according to information provided by the Advisory Council for Human Rights, important new legislation has been drafted and is with the Council of Ministers or the National Assembly for review during its October session. It includes legislation on the armed forces, national security and the police. According to the Advisory Council for Human Rights, the draft armed forces act 2007 contains a chapter on international humanitarian law making specific reference to the protection of civilians and civilian property, affirms individual responsibility and does not provide immunity for members of the armed forces. The National Constitutional Review Commission reportedly held consultations with political parties and other groups not represented on the Commission concerning the draft elections bill in July 2007. However, the latest draft is not publicly available. The new Political Parties Act (6 February 2007) has been criticized by opposition parties. The Act stipulates that a political parties council is to be established and requires all parties to register with it within 90 days of the passage of the Act. As this council has still not been created, the parties could not comply with the Act's requirement to register within 90 days (by April 2007). Indeed, many parties registered before this Act was passed and do not consider it necessary to register again. Thus, the law may need to be amended to clarify questions regarding proper party registration. The Special Rapporteur encouraged all concerned to ensure that new legislation is consistent with the obligations of the Sudan under international human rights law and the Interim National Constitution. A comprehensive review of legislation is required also and the process should be open, inclusive and participatory, with the participation of the various stakeholders to give it momentum, validity and societal ownership.

10. The Constitutional Court has begun to deal with some major cases. For example, on 26 June 2006 the Constitutional Court accepted a case filed in regard to the Organization of Voluntary and Humanitarian Work Act as the first constitutional challenge under the Bill of Rights. The Act was passed by the National Assembly on 21 February 2006 and has proved controversial owing to the wide powers it accords to the Registrar and the Commissioner of Humanitarian Aid Commission in registering organizations and approving programmes. By July 2007 no decision had

been taken regarding the constitutionality of the Act. The Special Rapporteur is concerned that the high fee required to file any complaint with the Court, represents a significant restriction of access to this judicial mechanism.

11. The Special Rapporteur was informed of a number of positive developments, for example the new National Policy for Women's Empowerment of March 2007 provides for the eradication of harmful traditions and the application of laws that protect women's rights. After UNMIS raised concerns about violations of the human rights of members of displaced communities, a liaison officer was appointed by the police commissioner in 2006. Between October and December 2006, the UNMIS Human Rights Office held regular meetings and organized a number of joint visits to police stations to seek information and request corrective action on reported human rights violations. After a four-month interruption of these meetings, the Special Rapporteur was pleased to learn that they were resumed in July 2007. In April 2007, Khartoum State adopted guidelines on the relocation of people, based on international standards. A number of orders were issued in pursuance of the recommendations of the Group on Darfur, including Order of the Director General of the Police No. 59/2007 dated 31 July 2007 on facilitation of the work of the United Nations human rights officers in the Sudan, Order of the Director General of the Police No. 58/2007 dated 31 July 2007 on treatment of detainees and prisoners and Order of the Director General of the Police No. 57/2007 dated 31 July 2007 on procedures lifting the immunity of members of the police force. The Advisory Council for Human Rights informed the Special Rapporteur that perpetrators of human rights violations were being brought to justice and gave the example of two intelligence policemen who were before Khartoum East Criminal Court for allegedly torturing a detainee to death while he was in police custody. She also received information about cases of killing, rape, robbery and looting in Darfur that were under investigation or had been investigated, and in some cases perpetrators prosecuted, including members of the Border Intelligence Guards and the Sudan Alliance Forces.

12. The Advisory Council for Human Rights and the National Council for Child Welfare are monitoring child rights and have intervened in death penalty cases (examples were provided of cases where the death sentence had been repealed because of the age of the accused) and to protect the rights of children in prisons and reformatories and of internally displaced persons in Khartoum.

13. The Advisory Council for Human Rights provided information on recent investigations into allegations of human rights violations. A parliamentary committee was formed at the beginning of July to collect general information relating to the construction of a dam in the Kajbar area and to report back to the National Assembly at its October session. A committee of investigation headed by the general prosecutor of Northern State was established to investigate the killing of four civilians in June by the security forces during a community protest against the construction of the dam. The committee has submitted its confidential report to the Minister of Justice who, however, referred the report back to the committee, reportedly to close some unspecified gaps in the investigation. The Special Rapporteur was informed that a committee of investigation had also been established by the Minister of Justice with regard to a sabotage attempt in July 2007. She encouraged her interlocutors to make the findings of the investigations public and to ensure that those responsible are prosecuted. This has not been done so far.

14. The Commission for the Protection of the Rights of Non-Muslims in the National Capital held its second meeting in July 2007. The national human rights commission, the electoral commission, and the land commission have yet to be created. The Special Rapporteur was informed that draft enabling legislation for the commissions was being prepared and would be discussed formally when the National Assembly reconvened in October 2007.

15. In summary, there has been some progress. However, significant portions of the Comprehensive Peace Agreement that would improve the human rights record of the Sudan have not been implemented and, as a result, the country's legal and institutional human rights framework remains weak.

III. Northern Sudan

16. In Northern Sudan, despite the potential for democratic transition and the optimism created by the Interim National Constitution and the Bill of Rights, violations of civil and political rights continue.

17. An example of these continuing violations is the violation of the rights of communities who will be, or have been, adversely affected by the construction of two large-scale hydropower dams in the Merowe and Kajbar areas in the northern Nile valley in the Sudan during the past two years. The two latest incidents, which occurred in April and June in the Kajbar area, reveal a variety of human rights violations against local residents opposing the construction of the dam in that area. Much of the discontent arose from claims that the authorities responsible for planning the dam had not adequately consulted the local community when they revived plans for the dam in 2006. The concerns of local residents were amplified as a result of what had previously happened to people in the Merowe area as a result of a separate dam project.[3]

18. In late April, in the vicinity of Sabu village in the Kajbar area, two civilians were injured by bullets during clashes with police seeking to disperse a large-scale protest against the construction of the dam. On 13 June, some 500 men and women set out on a protest march from the hamlet of Jeddi to give a memorandum to the authorities in Sabu. Before they reached Sabu, some 40 members of the security forces, including police, fired tear gas at the crowd and then used live ammunition. According to reports, four men aged between 18 and 45 were killed after being hit by bullets in the head or chest. A further 11 people reportedly received bullet wounds.

19. In the wake of the protests, some 26 people were arrested by police and National Security officers in the Kajbar area and in Khartoum, and most of them

[3] The Merowe project required the relocation of some 55,000 people. The dam construction resulted in the flooding of lands by the Nile in August 2006, reportedly forcing close to 3,000 households out of their homes in the following weeks. This flooding resulted in the affected people being left temporarily without food, shelter or medical care. Additionally, certain resettlement lands were grossly inadequate. Some 800 families were reportedly not allocated housing and were forced to seek shelter with relatives. Community representatives have also complained about the poor soil quality and the ineffectiveness of the irrigation system in the area of relocation, indicating that the Government failed to fulfil its promises to provide adequate infrastructure and services in the relocation area, and failed to pay in full the compensation agreed to for lost assets.

were held incommunicado by the National Intelligence and Security Service (NISS). Six journalists were detained and held incommunicado in relation to reporting on this case. Further arrests and detentions by NISS of campaigners and community activists have since been reported. All have been released, but some are standing trial for protest activities on criminal charges that may lead to their imprisonment.

20. Another concern is excessive use of force by the police and misconduct committed during raids in search of alcohol-brewing in camps for internally displaced persons, squatter camps and relocation areas around Khartoum. Extortion of money from members of displaced communities who are threatened with arrest is a frequent practice. Private property is frequently confiscated, sometimes in violation of procedures set out by law. Individuals who are arrested generally do not have access to legal council and are often tried and sentenced within hours of their arrest. Thus, their right to an effective defence is undermined. Moreover, there is limited right of appeal: those sentenced to prison terms of less than one month are not granted this right. During a police raid on 14 July 2007 in Omdurman El Salaam camp for internally displaced persons, one man was killed and another seriously injured.

21. The National Intelligence and Security Service continues to arrest and detain people without charge. In some cases detainees are held incommunicado for long periods, which places them at risk of ill-treatment. On 14 July 2007, the Ministry of Interior announced that several people had been arrested on 13 July on suspicion of a "conspiracy to create chaos" in Khartoum. They included Mubarak Al Fadil Al Mahdi, leader of a faction of the Umma Reform and Renewal party, Abdel Jalil Al Basha, Secretary General of that party, and an unconfirmed number of other people, most of whom are reportedly former military and police officers who were dismissed for political reasons during the early 1990s. The deputy chairman of the Democratic Unionist Party, Ali Mahmoud Hassanein, was initially detained on 14 July by National Security officers but released without charge after several hours. He was arrested again on 1 August and held incommunicado until 15 August, when his family was allowed to visit him.

22. According to official statements by the Minister of Justice which were carried in the media on 9 August, the investigation into the alleged coup has been transferred to a judicial investigation team under his authority. The violations highlighted above, and in particular the lack of prompt access to legal counsel, will undermine the defendants' right to a fair trial. The Special Rapporteur has received allegations that some of the detainees were tortured or ill-treated by National Security officers to force them to admit involvement in the alleged coup. She is concerned about the violations, in the light of the severity of the accusations against the defendants, which should be investigated thoroughly and independently while the rights of the defendants are safeguarded.

23. In another incident, Government forces arrested approximately 95 members and affiliates of the Sudan Liberation Army faction led by Minni Minnawa (SLA/MM), including four women, in Khartoum. The arrests were carried out in the context of a shooting incident on 24 March 2007 between the SLA/MM faction and Government of the Sudan security forces in the Omdurman area of Khartoum. Three police officials and nine Sudan Liberation Army (SLA) members were reportedly killed during the confrontation.

24. Some of the SLA/MM affiliates held in the custody of the State were subjected to ill-treatment that may have been so serious as to amount to torture. There were reportedly several instances in which some of those detained were threatened that they would be killed. Some who were taken to a police station were reportedly beaten by police and other security officials until they fell unconscious, others reported having been threatened with sexual violence. Detainees were reportedly beaten repeatedly during interrogation. While in detention, several of those who were injured during the shooting or as a consequence of being mistreated during arrest or while in detention complained that they were not given adequate medical attention, despite repeated requests. Other detainees who were seriously injured were admitted to hospital, but only after several days of detention.

25. A commission of inquiry into the clashes between the SLA/MM and the security forces was established by presidential decree in April 2007. A report containing the findings of the investigation was submitted to the President two weeks later. The report remained classified. The trial of five SLA/MM members accused of the murder of the three police officers failed to establish the circumstances of the killings of the policemen. Owing to lack of evidence, the court acquitted the five suspects, who were found not guilty of murder. However, four of the five defendants were sentenced for minor criminal charges relating to obstruction of police duties; they received six-month prison terms. No investigation was opened into the killing of the nine SLA/MM members.

26. Since mid-September 2006, at least 39 people of Darfurian origin were arrested in Khartoum by police and National Security officers in the context of an investigation into the murder of Mohamed Taha, editor of the Arabic-language daily *Al Wifaq*, who was killed on 6 September 2006. The trial of this murder opened on 28 February at Bahri court, Khartoum. At the trial it was revealed that a total of 73 people were arrested in relation to the murder. Most were released without charge in December 2006 and January 2007. Nineteen Darfurians were brought to trial in connection with the murder. In late August 2007, the court released nine of the defendants and dismissed the case against them for lack of evidence, but 10 people continued to stand trial.

27. The Special Rapporteur is deeply concerned at the numerous allegations she received about violations of pre-trial rights and ill-treatment of many of the detainees, both those who were released and those who remain in detention. Most of the detainees were initially held incommunicado, some for up to three months. Some were held without charge for up to four and a half months and then released. Three prominent Darfurian men, who were initially thought to have been arrested in connection with the murder investigation, appeared in fact to have been interrogated about rebel groups that did not support the Darfur Peace Agreement, but remained in detention without charge for another month. They were eventually released without charge on 28 March 2007, after some six months in detention.

28. The Special Rapporteur heard reports that individuals detained were subjected to methods of torture and ill-treatment that included being suspended from the ceiling by the arms or legs and being severely beaten on different parts of the body. Some were threatened that female relatives would be arrested and raped. Some defendants were also in poor physical and psychological condition; some could not stand up without supporting themselves and some bore clear marks of beatings and burns. She also heard reports that defendants were bribed or pressurized to

incriminate other detainees and that some of the defendants gave confessions that were extracted under torture or other cruel, inhuman and degrading treatment.

29. Following unrest in Khartoum universities, National Security officers arrested three men on 10, 11 and 12 February 2007, detained them incommunicado for between 12 and 36 hours at an undisclosed location and then released them without charge. The men were all affiliated with a minor opposition group, the Sudan Congress Party. All three were reportedly tortured or ill-treated during detention by being severely beaten and kicked by NISS officers.

30. The Khartoum media still experience restrictions on freedom of expression in the form of case-by-case censorship, the imposition of public information bans and the use of criminal legislation. The Special Rapporteur has received reports that, since mid-August, representatives of NISS have been visiting regularly several national Arabic newspapers' print houses and offices to inspect the latest edition of the papers. On several occasions, NISS officers were reported to have ordered the removal or replacement of articles and columns on the printing plate prior to printing. On 20 August, in the early hours of the morning, NISS seized all copies of the latest issue of *Ray al Shaab* from the printing house. The following day, at the printing house, NISS ordered the removal of five articles from that day's edition and in response to the manager's refusal the paper was not allowed to be published. On 22 August, *Ray al Shaab* was again not allowed to be published and the plates were confiscated from the printing press. Some articles removed provided coverage of the initial press conference of the Minister of Justice in relation to an alleged terrorist plot, while others voiced criticism of the two-month detention by NISS of a *Ray al Shaab* journalist, Mujaeed Abdallah. Other articles reported complaints of restrictions on the freedom of the press. On 21, 23 and 25 August, NISS visited the printing house of *Al Sahafa* and ordered the removal of three articles and seven news items, which were replaced with articles from previous editions. The articles reportedly provided information on an alleged terrorist plot and on the expulsion of the chargé d'affaires of the Canadian Embassy and the head of the European Union delegation.

31. Journalists continue to be at risk of intimidation and arrest. The Special Rapporteur received reports indicating that, since August 2006, at least nine journalists from daily Arabic newspapers had been arrested and detained in relation to their reporting. She is pleased to note that some courts have started to work against such arrests and detention. On 16 May 2007, the Prosecutor for the Press and Printed Materials ordered the indefinite suspension of the *Al Sudani* newspaper, one of the leading Arabic-language dailies, and the confiscation of the printing plates of that day's edition from the publishing house On 17 May 2007, the editor of *Al Sudani*, Mahjoub Urwah, and a columnist, Osman Mirghani, were arrested the by police for investigation following the filing by the Minister of Justice on 11 May of a complaint against the newspaper and the columnist for defamation. Osman Mirghani had previously published an editorial calling for the Minister's resignation in the context of a money-laundering case which is being examined by the courts. The two journalists were arrested and charged with, inter alia, defamation and "publication of false news". Both journalists have been released pending trial before the Khartoum North Criminal Court.

32. The suspension of the newspaper was based on article 130 of the 1991 Criminal Procedure Act which grants the prosecutor, in cases "relating to peace and

public health", wide-ranging powers to confiscate items belonging to a person who has been charged with an offence, or to order that person to cease any activities. The measure was imposed in the context of the defamation complaint filed by the Minister of Justice. However, the suspension order by the prosecutor did not specify in what way the continuing publication of *Al Sudani* would have threatened peace or public health.

33. On 21 May, the prosecutor's order was overturned by a court ruling that article 130 could not be applied to order the suspension of the newspaper. *Al Sudani* resumed publication on 23 May. This was the second time *Al Sudani* has been closed down in 2007: it had been suspended for one day in February after violating a court order banning public reporting on the court case relating to the murder of the prominent newspaper editor, Mohamed Taha. The use of article 130 to suspend the newspaper has been widely criticized by journalists and political actors. According to press reports, the Press Council met with Vice-President Ali Osman Taha on 20 May and urged him to end the use of article 130 against the press. A complaint filed by *Al Sudani*'s lawyers with the Constitutional Court challenging the use of article 130 against the press more widely remains pending.

34. Since the beginning of 2007, a number of public information bans have been imposed. In February, a court ordered a ban on all independent public reporting on the court case relating to the murder of Mohamed Taha. The court argued that public reporting could interfere with the course of justice; some journalists had orally questioned whether the police investigation, which focused overwhelmingly on the Darfurian community in Khartoum, would uncover the real motive and who was responsible for the murder of the newspaper editor. The court ban on public information was lifted after sustained protests by several newspapers.

35. In March, the Minister of Justice instructed all newspaper editors not to publish news on prosecutions of crimes committed in Darfur. On 23 May, the Press and Printed Press Materials National Council (Press Council) banned public reports on activities and statements of rebel groups in Darfur. On 18 July, the general prosecutor issued a blanket ban on any public reporting on the alleged sabotage attempts or the ongoing investigation, in a stated effort not to prejudice the course of justice; those violating the ban would be liable to imprisonment under article 115 of the Criminal Code. On 24 June, the general prosecutor of Northern State issued a public information ban on the work of the Kajbar investigation committee and the events that predated the incident.

36. In addition to these cases of media restrictions, domestic laws can be used to place limitations on the media. The 2004 Press and Printed Materials Act contains numerous provisions which may be used to curb criticism and does not contain clear guarantees for the protection of the freedom of expression of media practitioners. The Act also puts in place various restrictions and protocols that make it difficult for new media sources to come into existence. Its application is supervised by the Press Council, a body that is generally perceived to lack political independence. Certain provisions of other laws, such as the Criminal Code and the Criminal Procedure Act, have also been used to restrict the freedom of the press.

37. Justice and accountability continue to be a challenge. Despite their different circumstances, the above-mentioned violations are linked together by the Government's failure to hold perpetrators accountable. In relation to the Kajbar and Merowe dam incidents, the Government did establish inquiries, but their findings

have not been made public and no charges have been lodged for any wrongdoing. In the case of the man who was killed and the other man who was injured on 14 July 2007 in Omdurman El Salaam camp for internally displaced persons, no official investigation is known to have been undertaken. Sudan People's Liberation Movement (SPLM) representatives from Southern Kordofan are, however, supporting the community in bringing a lawsuit against the police for the killing. Perpetrators of torture or other forms of ill-treatment have rarely been brought to justice. None of the cases of ill-treatment detailed in the present report have been prosecuted and, in fact, some of them have been denied by the Government.

IV. Darfur

38. Gross violations of human rights continue in the Darfur region. Government and militia attacks make up the bulk of the cases of unlawful killing, although SLA/MM and the rebels are not clear of blame. In all three Darfur states, unlawful arrests and detentions are taking place, as are abduction, torture, and other ill-treatment of individuals by the Government of the Sudan, as well as by rebel groups to a lesser degree. Women and girls continue to be sexually assaulted and raped.

39. As of July 2007, more than 2 million people had been displaced as a result of the conflict and approximately 4 million out of 6 million people in Darfur are being provided with humanitarian assistance. With people trapped in camps, there were widespread reports of the occupation of abandoned villages. The potential for population return is highly limited and displacement continues. In June 2007, 2,700 new internally displaced persons came to El Fasher because of insecurity in eastern Jebel Marra. In South Darfur, insecurity has caused the population of Al Salam camp to swell from 13,300 internally displaced persons in March 2007 to over 33,000 in early July.[4]

40. As Darfur enters its fifth year of armed conflict in late 2007, Government forces, pro-Government militia, rebel fighters and bandits are operating in a general state of lawlessness. The administration of justice in Darfur is severely weakened by a culture of impunity, a poorly functioning law enforcement system, staff and resource shortcomings in the judiciary and the public prosecutor's office, and lack of political will.

41. Since the conflict began, the Government has announced the establishment of numerous investigatory committees to look into specific attacks. These committees are not undertaking real investigations into serious violations of human rights and international humanitarian law and their finding have never been made public. For example, the Government has announced the establishment of committees to investigate among others, incidents that occurred in El Deain locality (November 2006), in areas outside Jebel Moon (October 2006), in Shearia (March 2006), in Tama (October 2005), in Aro Sharow and Guzminu (September 2005), in Khor Abeche (April 2005), in Hamada and Buram (January 2005) and in Marla and Labado (December 2004).

42. The most prominent of the conflict-related accountability mechanisms in Darfur are the Special Criminal Courts on the Events in Darfur, which the Chief Justice of the Sudan established by decree on 7 June 2005. A number of public

[4] UNMIS briefing to the press, 4 July 2007.

statements by the Government of Sudan indicated that the special courts were established to deal with major criminal offences which had occurred in the states of the Darfur region and which could be characterized as war crimes or crimes against humanity. To date, only nine cases have come before the special courts. Of 31 defendants, nine were civilians involved in non-conflict related activities such as armed robbery, unlawful possession of weapons or murder. Only one case before the special courts related to an attack that involved the serious crimes committed during the conflict. However, the men charged in relation to the attack (in October 2005 on Tama in South Darfur) were found guilty of stealing property at the site of the attack after it had taken place. No one has been found guilty of a war crime or a crime against humanity.

43. The issue of command responsibility and of holding high-ranking officials accountable is effectively being ignored. Only one high-ranking official was ever charged and he was acquitted. Ten officials were convicted by the special courts, but they were all low-level officers. Of these, two Military Intelligence officers were convicted for the murder of a 13-year-old boy who died as a result of torture while in custody. However, their two-year prison sentences were nullified by the presidential amnesty decree issued on 11 June 2006.

44. It is apparent that justice is not completely out of reach in Darfur. State agents have been tried and prosecuted for serious human rights abuses. In El Geneina, West Darfur, the Special Rapporteur was made aware of three cases where state officials had been convicted and sentenced in 2006 for rape. These cases were a rarity given the extent of the problem. Moreover, the convictions came only after unacceptable numbers of court adjournments, often due to the defendant not appearing in court. These cases indicate that while accountability is possible, it occurs under exceptional circumstances. These cases also demonstrate that, without the persistence of the judicial system (namely, judges and lawyers), the convicted state agents would likely have never stood trial through to completion.

45. The situation in Darfur was transferred to the Prosecutor of the International Criminal Court by Security Council resolution 1593 (2005) of 31 March 2005. After two years of criminal investigation, on 27 April 2007 the Pre-Trial Chamber of ICC issued warrants for the arrest of Ahmad Harun and Ali Kushayb. The Special Rapporteur is concerned that the Government of the Sudan has not cooperated with ICC or investigated the charges of war crimes and crimes against humanity against the accused at the national level.

V. Eastern Sudan

46. The peace talks between the Government of National Unity and the Eastern Front started in July 2006 and the Eastern Sudan Peace Agreement was signed in October 2006. This was the third peace agreement signed by the Government of the Sudan in less than two years, following the Comprehensive Peace Agreement and the Darfur Peace Agreement. It is modelled on some sections of the earlier agreements in form and structure, but is generally vaguer and less binding, containing general declarations without specific deadlines or implementation modalities.

47. According to interlocutors the Special Rapporteur met, the Eastern Sudan Peace Agreement does not treat the root causes of the conflict or offer substantial

concessions to the marginalized people of eastern Sudan. It does not deliver on key Eastern Front demands, including justice for the 29 January 2005 massacre in Port Sudan. The agreement also does not address the issue of land tenure and the compensation of relocated and displaced people, particularly in Bashaer ports and the Red Sea free zone.

48. The Special Rapporteur reported on the situation in the region in her report to the General Assembly last year (A/61/469, paras. 39-44) and she is deeply concerned that the victims of the massacre in Port Sudan have still not received justice. On 18 February 2005 the Government established a committee of investigation. The findings, however, have still not been published and no one has been prosecuted in relation to these events.

VI. Transitional areas

49. The transitional areas are comprised of Southern Kordofan, Abyei and Blue Nile State. These states were battle-grounds in the war, when many non-Arab populations in central Sudan adhered to SPLA/M. Southern Kordofan and Blue Nile State fought beside the SPLA during the war but were separated from the south during the peace negotiations and received agreements which did not satisfy their demands. Southern Kordofan and Blue Nile State are northern states, while the administration of Abyei has yet to be reviewed.

50. The security situation is relatively calm, although at times volatile and unpredictable since underlying causes of violence remain present. Long-time rivalries among tribal groups — encouraged during the conflict by the parties — still exist. Clashes over land, water points and cattle occur and have resulted in sporadic killings.

51. Cases of ill treatment and torture by SPLA have been documented by the UNMIS Human Rights Office and brought to the attention of the authorities concerned. Interference with and disrespect for the rule of law by the military, in particular when its members are involved in crimes, contributes to a situation of impunity. A combination of a lack of capacity and interest in and fear of investigating such human rights violations and abuses by the police and the judicial authorities further exacerbates this situation.

52. The administration of justice faces enormous challenges because two parallel judicial systems are in place. The judiciaries in the areas controlled by the Sudan People's Liberation Movement/Army (SPLM/A) are still integrated into Southern Sudan and apply its laws. In Abeyi, there are no official judicial structures only traditional/customary courts and an unofficial town court. Judicial structures throughout the transitional areas are ill-equipped and there is a shortage of qualified judges in SPLM/A areas. In a move to address this situation, paralegals serve as low-level judges in SPLM areas. Legal assistance is limited to the state capitals, at high cost; practically no free legal assistance is provided by Southern Sudan. For this and many other reasons, people make use of the tribal mechanisms to resolve conflict. Several aspects of traditional customary law and practices do not conform to international standards, especially with regard to women's rights. Prolonged detention is quite common in the SPLM-controlled area in Southern Kordofan. The absence of prosecutors and judges contributes to this situation.

53. The violation of women's rights is a matter of concern. Female genital mutilation is widely practised. Women are placed in detention on charges of adultery or for family disputes. Forced marriages also continue to be largely practised in the transitional areas.

54. Large numbers of people who left during the war are currently returning from neighbouring countries, as well as from other parts of Sudan. The presence of landmines and unexploded ordnance are a significant risk for returnees. As people come back, the issue of land and property remains a challenge that the authorities will need to address. Land, old tribal rivalries and arms proliferation are an explosive combination and a source of instability. Currently, customary courts are looking into conflicts over land.

55. Serious deficiencies in the enjoyment of economic, social and cultural rights are common in the transitional areas. The State authorities, unable to ensure adequate access to basic rights, rely heavily on United Nations agencies and international non-governmental organizations for the provision of basic services such as health care and education. The displacement of populations as a result of the activities of oil companies has also been reported. These and other concerns will need to be addressed by the National Petroleum Commission once it is established in accordance with the Interim National Constitution. Recent floods in Blue Nile State have caused major destruction of infrastructure, leaving people without shelter and students without schools.

VII. Southern Sudan

56. The President of the Government of Southern Sudan signed into law the Interim Constitution of Southern Sudan on 2 December 2005. The Southern Sudan Legislative Assembly has approved the Code of Evidence Act and the Interpretation of Laws and General Provisions Act, signed into law in October 2006.

57. At the opening of the third session of the Southern Sudan Legislative Assembly, in May 2007, the President of the Government of Southern Sudan highlighted five priorities of his Government: rehabilitation of physical infrastructure; provision of basic social services; diversification of the economy; strengthening public institutions; and good governance and security.

58. On 12 July 2007, the Supreme Court issued its first circular on the Applicable Law in Southern Sudan (Judicial Circular 1/2007). The circular directs the judiciary "to apply the current laws of the New Sudan in all suits within the territory of Southern Sudan arising on or after 10 July 2005". For suits that arose before that date, the judiciary is to "apply the laws of the New Sudan if the suit arose in SPLM-controlled territory, and the relevant national laws in territory controlled by the Government of the Sudan".

59. Many bills are pending. The substantial backlog is due to limited capacity in the Ministry of Legal Affairs and Constitutional Development to review draft bills. Seven laws have gone through the drafting process and have either been tabled with the Legislative Assembly or are in the final phases of approval by the Council of Ministers. These are: the Criminal Code (based on the 1974 criminal law, the SPLM/A criminal code and traditional laws); the Code of Criminal Procedure; the Schedule to the Code of Criminal Procedure; the Code of Civil Procedure; the Child

Bill; the Judiciary Act; the Justice Chamber Act; and the Ministry of Legal Affairs and Constitutional Development Organizational Act. The Southern Sudan Police Service Bill and the Southern Sudan Prisons Act are also in draft form.

60. A further set of bills providing for the legal establishment of the commissions mandated by the Comprehensive Peace Agreement in Southern Sudan have been drafted and passed to the Council of Ministers. These include the bills for a disarmament, demobilization and reintegration commission; an anti-corruption commission; a peace commission; a census, statistics and evaluations commission; an employee grievance act; and a disabled war veterans' commission. The Human Rights Commission Act, the Public Service Commission Act and the Land Commission Act are not included in this set of bills.

61. Once the bills reach the legislative assembly, delays occur in their review, owing to the lack of practice and expertise in passing laws.

62. A 2007 draft Southern Sudan police bill in its current form does raise some concerns: it refers to special jurisdiction over criminal acts committed by the police and does not provide for mechanisms to address complaints lodged by the population regarding police behaviour. The Southern Sudan Police, in an effort to increase its numbers, has been recruiting former SPLA soldiers and providing them with a limited three-month training package. It will be important to help reorient former combatants trained for war to assume new policing roles. In order to assist the Southern Sudan Police, United Nations police officers are sitting in local police premises advising on day-to-day duties and carrying out training programmes. The UNMIS Human Rights Office has been involving police authorities in the south, civil society representatives, the United Nations police and other key stakeholders in the process of elaborating a human rights training manual for the police.

63. Considerable challenges are faced by the law enforcement agencies, as they are ill-equipped and ill-resourced. Abuses committed by the police in the form of illegal and prolonged detention and ill-treatment continue to be reported. In Wau, for example, the beatings and lashings inflicted on a woman by policemen resulted in the victim being hospitalized in a grave condition, and in another case in the victim's subsequent death.

64. A demonstration by university students in Malakal ended with one student dead and three injured when the security forces fired gunshots in an attempt to control the demonstrators. An investigation into the case has been opened by the Office of the Attorney General. In another incident of excessive use of force, this time in Wau, students were harshly beaten by soldiers seeking to pass through a student blockade. As a result several students had to be hospitalized. The police have failed to open an investigation and the students have not filed any complaint for fear of reprisals.

65. On 7 August 2007, the editor-in-chief of the Juba newspaper *The Citizen* was arrested by the police in Juba, reportedly in connection with an article about inflated prices for the purchase of vehicles by senior officials of the Government of Southern Sudan. The journalist was released as no arrest summons had been issued.

66. A man accused of theft was subjected to serious beatings by two policemen in Wau when he was arrested. He was placed in an overcrowded detention cell in the police station and received no medical treatment for his injuries. Several days later he was found dead. Arrest warrants have been issued against the two police officers.

67. Detention conditions both in police premises and in state-run prisons are far from being in conformity with international standards. Prisons are overcrowded, the infrastructure and facilities are largely inadequate, juveniles are detained along with adults, the mentally ill are not provided with adequate care and a large part of the prison population has been in detention for periods that will exceed their penalties if they are found guilty. In Rumbek, owing to the grave conditions of detention in prison facilities, the authorities are looking at how to speed up the process of legal review of cases of people in remand. In May 2007, the Government of Southern Sudan, the United Nations Development Programme and UNMIS signed a memorandum of understanding to address prison reform. An agreement has also been reached on placing technical advisers in prison facilities in the near future. In the meantime, training for over 500 ex-SPLA soldiers assigned to the Southern Sudan Prison Service has begun.

68. Further efforts have been undertaken by the Government of Southern Sudan in relation to the administration of justice. The Chief Justice of the Supreme Court of Southern Sudan and his deputy were recently appointed. Reportedly, more than 200 legal counsellors and prosecutors for the southern states have also been appointed. This would be a positive move as the lack of prosecutors, especially in remote areas, has seriously hampered the administration of justice. Mobile courts have also been created in order to address the backlog of hundreds of cases of people in remand detention, many held for prolonged periods. In Lakes State the process of reviewing these cases is under way. The challenges for officials administering justice are enormous as they are meant to apply codified laws in areas where customary law and traditional practices have been widely applied by local chiefs. Many of these traditional practices are not in conformity with international standards and Sudanese laws. There is no doubt that this will remain a major challenge for the Government of Southern Sudan.

69. The administration of justice and respect for the rule of law are further challenged by frequently reported interference and abuse of power by officials, both civil and military. Cases of military personnel asserting powers of arrest over civilians are common. This situation not only feeds into the population's existing mistrust of state authorities and institutions, but encourages widespread impunity and disrespect for the rule of law.

70. Women's rights in Southern Sudan are largely being violated as international and national laws are disregarded. The Interim Constitution of Southern Sudan, in section 20, provides for the enjoyment by women of their rights, including the right to own property and to inherit. Customary laws and practices are still in place, however, and therefore women's rights are not protected. This situation is compounded by the fact that it is not clear which laws apply when and where, or which court has jurisdiction to handle certain cases.

71. Early and forced marriages are common. Women have little to no access to land or property. Women are regularly placed in detention for, inter alia, adultery or acts of other family members — sometimes at the request of the family itself — and for lack of payment of dowry and family debts. Violence against women, including female genital mutilation, is also frequent and no effective mechanisms for redress are in place. Participation of women in decision-making positions is limited in spite of Constitutional provisions calling for affirmative action and a minimum of 25 per cent representation of women in Government institutions. In spite of this bleak

scenario, some groups of women have organized themselves and formed associations in the south.

72. The dominant position of SPLM in government as well as in relation to the media has raised concerns among other political parties and voices in the south. These concerns are even more apparent in view of the upcoming electoral period, when respect for freedom of expression, assembly and association and the exercise of political rights will be at stake.

73. The advancement of economic, social and cultural rights is going at an extremely low pace as budget allocations and transfers from the Government of Southern Sudan to the states are far from ideal. This scenario is seriously affecting the delivery of basic services such as health care, education and water supply, and is having a negative impact on the credibility of the Government of Southern Sudan and the benefits of the Comprehensive Peace Agreement. The lack of basic services is resulting not only in high maternal and infant mortality but also in outbreaks of waterborne diseases such as cholera and meningitis. Important development and reconstruction projects have yet to be implemented as pledges from donor countries are announced.

74. The livelihoods of people living in oil-rich areas have deteriorated as environmental damage caused by oil companies continues to have negative consequences. Inadequate waste disposal, resulting in water contamination, is a great risk for the health and livelihoods of people in these areas. Property and land have been taken for roads to be built, changing the course of water, with harmful effects on grazing and farming. There are allegations of violations of labour laws by these companies and there are no effective mechanisms in place for redress.

75. Property and land rights have also been at stake in the south. Forced evictions have been ordered by local officials. The demolition of houses in the Wolyang area, near Juba town, and the forced eviction of 285 families in May 2007 by the military and the police is a case in point. The forced eviction is reported to have been carried out without any prior notice, consultation or provision of an alternative housing scheme, although some compensation was provided. The Special Rapporteur was pleased to learn that the Southern Sudan Human Rights Commission is following this case. Victims appear to be ready to take it to the courts. Confusion over the applicable law in relation to land and property rights is also prevalent in rural areas such as in Northern Bahr El Ghazal, where judges are refusing to adjudicate land tenure disputes. Property and land rights will also be at stake as people return to their villages of origin and start presenting claims.

76. The voluntary return of southerners continues throughout the region. Not only will basic services need to be in place in order to attract returnees, but also job opportunities will need to be made available. This movement of populations will have interesting implications in the light of the upcoming census and elections.

77. Security in the region is crucial for returnees and for the livelihood of people in the south. One of the concerns is the large amount of weapons throughout the region. Tribal clashes over water points, land and cattle continue to affect the area. Fifty-four civilians, mainly women and children, from the Didinga tribe were killed, allegedly by Toposa tribesmen, in Baudi county, Eastern Equatorial in May 2007. After an initial limited response from the local authorities, the Government established an ad hoc commission to investigate the killings. The findings of this

commission have yet to be revealed. The Special Rapporteur strongly encourages the findings being made public and the perpetrators being held accountable.

78. The establishment of ad hoc commissions has been an inadequate response by the Government, as their findings are not made public and no efforts to prosecute those suspected of committing abuses ensue.

79. As in any war-torn society, enormous reconstruction efforts will be needed. Many were killed, others fled and those that remained were left with hardly any opportunities to develop themselves. In this context, civil society organizations had little chance to develop and flourish. Slowly, as peace settles in, some civil society groups are organizing themselves. Organizations linked to religious groups can be found in the south. Southerners have also established organizations based in Khartoum and have in the past contributed to alternative reports for the treaty bodies.

80. In October 2006, the President of the Government of Southern Sudan, Salva Kiir, issued a decree appointing the five members of the Southern Sudan Human Rights Commission. Legislation establishing the Commission's mandate and functions has yet to be passed. However, the body has moved ahead with internal planning. It agreed upon its Strategic Plan in November 2006. The plan includes five immediate objectives: to build effective and efficient institutional capacity for the promotion and protection of human rights; to develop a comprehensive and effective human rights education programme for Southern Sudan; to establish an effective complaints and victim protection mechanism; to ensure effective human rights monitoring; and to develop a reporting system. New draft enabling legislation for the Commission was circulated in July 2007. The draft details the powers, functions, structure, and administrative and financial provisions of the Commission. The Special Rapporteur would urge those responsible to ensure that the enabling legislation ensures that the Commission will be an independent, pluralistic institution in conformity with the Principles relating to the Status of National Institutions (the Paris Principles). She is pleased to note that, although enabling legislation has yet to be adopted, the Southern Sudan Human Rights Commission is already taking up some human rights cases.

VIII. Conclusions

81. **The protection of human rights in the Sudan remains an enormous challenge.**

82. **In the Darfur region, gross violations of human rights continue to be perpetrated by all parties. Arbitrary arrest, torture, illegal taxation, extortion and sexual violence continue. Some progress has occurred on the political front; however, potential advances largely remain unrealized. The Special Rapporteur welcomes the agreement between the Government of the Sudan and the United Nations/African Union and the adoption by the Security Council of resolution 1769 (2007) on 31 July 2007 authorizing the deployment of the hybrid operation, which should help protect the human rights of civilians. However, the protection of civilians remains the primary responsibility of the Sudanese State and is still insufficient.**

83. In all parts of the country, human rights continue to be violated. Fundamental rights, including the freedoms of expression and association, are being violated. Political opposition parties, journalists, students, internally displaced persons and tribal leaders continue to be targeted for their activities. This is of particular concern as the country prepares for elections in 2009. The security apparatus continues to arrest and detain civilians arbitrarily. Detainees are often subjected to torture and ill-treatment and are denied access to legal services.

84. Justice and accountability continue to be a major challenge. Several investigative committees have been formed following allegations of serious human rights violations in the north and in Southern Sudan. However, the findings of the investigations have not been made public. According to the information received, no perpetrators have been prosecuted.

85. In Southern Sudan there are inadequate resources and equipment, and legal reform, law enforcement and the administration of justice remain weak. Moreover, there are no mechanisms to deal with the pluralism of laws that exists in the country.

86. The advancement of economic, social and cultural rights is going at an extremely slow pace. Widespread poverty, corruption, lack of transparency and marginalization continue to be sources of political unrest and dissatisfaction throughout the country. This situation is seriously inhibiting the delivery of basic social services, such as health care, education and water supply, especially in Southern Sudan.

IX. Recommendations

87. The Special Rapporteur recommends that:

(i) The Government of National Unity:

(a) Revise the laws to conform with the Comprehensive Peace Agreement, the Interim National Constitution and international human rights standards. Immediate attention should be given to revision of the National Security Act, the Armed Forces Act, the Police Act, the Election Act and other required laws. Consultations should be held with relevant groups, including women's groups, to ensure that women are granted their rights;

(b) Accelerate the implementation of the Comprehensive Peace Agreement and establish the remaining commissions provided for in the Comprehensive Peace Agreement, such as the electoral commission, the land commission and, especially, the national human rights commission. The human rights commission's mandate must conform to the Paris Principles, guarantee its independence and provide sufficient funds to ensure its effectiveness;

(c) Foster the disarmament, demobilization and reintegration of the militia and other armed groups all over the Sudan in order to make the situation conducive for people to exercise their political rights in the context of the upcoming election;

(d) Protect physical security and freedom of movement in the country by putting in place credible, capable and professional police forces, sufficient prosecutors and a strong judiciary, and to establish strict vetting procedures in accordance with international human rights law to ensure that those responsible for war crimes and crimes against humanity are not put in positions of power;

(e) Investigate all reports of human rights violations with transparency, make the reports of the investigative committee public and bring perpetrators to justice to end the culture of impunity and promote the rule of law;

(f) Ensure the physical integrity and human rights of all detainees and ensure access for them to legal aid, to medical facilities and to their relatives. Special attention should be paid to women and children who are in detention;

(g) Fully cooperate with the International Criminal Court and the international community to arrest the people who are accused of war crimes and crimes against humanity;

(h) Guarantee the enjoyment of all the freedoms by journalists, human rights defenders, community activists and members of the political parties;

(i) Ratify the remaining international instruments for the protection of human rights, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Rome Statute of the International Criminal Court;

(ii) The warring factions:

(a) Respect their obligations under international human rights law and international humanitarian law, in particular with regard to the protection of civilians;

(b) Facilitate the provision of humanitarian assistance by the United Nations and other agencies to people in need;

(c) Fully cooperate with the United Nations/African Union peacekeeping forces to protect the civilian population and support the political process for a peaceful solution to the Darfur conflict;

(iii) The Government of Southern Sudan:

(a) Accelerate the process of legal reform, in accordance with the Comprehensive Peace Agreement, the Southern Sudan Constitution and international human rights standards, and ensure that law enforcement officials are given training and resources to enable them to function effectively;

(b) Accelerate the disarmament, demobilization and reintegration of ex-combatants and other armed groups in order to ensure security in Southern Sudan;

(c) Prevent SPLA interference in the administration of justice, especially in the work of the police and the judiciary, and provide them with professional training;

(d) Accelerate development by providing social services to the people, especially returnees and other vulnerable groups; and create job opportunities for the young and for women heads of household;

(e) While expressing her appreciation at the establishment of the human rights commission in Southern Sudan, the Special Rapporteur stresses the importance of the act on the human rights commission being passed, of the commission conforming to the Paris Principles and of it being allocated sufficient funds to function effectively;

(iv) The international community:

(a) Continue to provide technical and financial support to the Government of National Unity, especially to the Government of Southern Sudan, to implement the Comprehensive Peace Agreement and build democratic national institutions for the protection of human rights and the equality of citizens;

(b) Support the Security Council resolution on the United Nations/African Union hybrid force politically and financially to enable it to protect the human rights of civilians in Darfur and to end the culture of impunity;

(c) Support and facilitate the political process to end the conflict in Darfur, without allowing victims of violations of human rights to be victimized once again in the name of security or peace;

(d) Support the Government of National Unity and the Government of Southern Sudan in building up the rule of law and promoting democratic transition based on equality, human rights and the reduction of poverty;

(v) The United Nations:

(a) Play a more proactive role in the protection of civilians and respect for human rights. The peacekeeping mandate should be widely disseminated in the Sudan;

(b) Guarantee accountability and justice in the Sudan; and ensure that there is no amnesty for war crimes and crimes against humanity;

(c) Appoint senior human rights staff to assist with the provision of technical assistance to the Sudan, in particular for the establishment of the Southern Sudan legal system and the training of legal personnel;

(d) Special support should be provided by the Office of the United Nations High Commissioner for Human Rights for the capacity-building of the human rights commission of Southern Sudan.